

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Devin Jamaal Kershaw, #285275,)	
)	C/A No. 6:10-0951-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Anthony J. Padula, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Devin Jamaal Kershaw is an inmate in custody of the South Carolina Department of Corrections who is housed at Lee Correctional Institution in Bishopville, South Carolina. Plaintiff, proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights have been violated in various respects.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On November 3, 2010, Plaintiff filed a motion for entry of default (ECF No. 54). On December 15, 2010, the Magistrate Judge issued an Order and Report and Recommendation in which he, among other things, recommended that Plaintiff's motion be denied because Defendants had timely filed an answer to the complaint. Plaintiff filed no objection to the Order and Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C.

§ 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Order Report and Recommendation and incorporates it herein by reference to the extent that the Magistrate Judge recommends that the motion for entry of default (ECF No. 54) be **denied**.¹ The matter is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 14, 2011.

¹ There being no request for reconsideration, the court need not review the Magistrate Judge’s nondispositive orders. See 28 U.S.C. § 636(b)(1)(A).